

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

INITIAL STATEMENT OF REASONS

TITLE 13, CALIFORNIA CODE OF REGULATIONS
DIVISION 2, CHAPTER 6.5, ARTICLE 3
AMEND SECTION 1214

MOTOR CARRIER SAFETY – DRIVER FATIGUE (CHP-R-03-15)

PURPOSE OF REGULATIONS AND PROPOSED AMENDMENTS

The California Highway Patrol (CHP) proposes to amend regulations in Title 13, California Code of Regulations, related to driver fatigue.

California Vehicle Code (CVC) Section 2402 authorizes the Commissioner of the CHP to make and enforce regulations as necessary to carry out the duties of the CHP. Section 34501 CVC allows the CHP to adopt reasonable rules and regulations designed to promote the safe operation of vehicles described in Section 34500 CVC. These vehicles are commonly referred to as “regulated” vehicles (trucks, truck-trailer combinations, buses, school buses, etc.). The proposed regulations are contained in Title 13, California Code of Regulations (13 CCR).

This rulemaking action will eliminate state regulations that conflict with or are not identical to federal regulations, therefore allowing California business to compete with out-of-state business under identical safety rules. This will eliminate the possibility of California businesses being required to comply with additional requirements for their intrastate operations.

SECTION BY SECTION OVERVIEW

1214 Driver Fatigue

This amendment will adopt language identical to that language contained in Title 49, Code of Federal Regulations (49 CFR), Section 392.3, therefore allowing California intrastate drivers and motor carriers to compete with interstate drivers and motor carriers under identical safety rules.

Existing language indicates a driver shall not drive when that driver’s ability to do so safely is adversely affected. The proposed amendment will adopt language identical to federal language which assigns equal responsibility to both the driver and the motor carrier. Not only does the

proposed language prohibit a driver from driving, but specifically prohibits the motor carrier from requiring a driver to drive, for the same reasons. This places ownership on both the driver and the motor carrier, equally.

Lastly, the proposed language includes a provision which will allow a fatigued or ill driver to operate a motor vehicle to the nearest safe location. This provision is also identical to the federal language and will permit intrastate motor carriers and drivers to mitigate an otherwise unsafe condition by removing a vehicle from the roadway or other unsafe location.

STUDIES/RELATED FACTS

This rulemaking is in response to a request from industry to adopt regulations identical to those contained in federal regulations.

ALTERNATIVES

The CHP has not identified any alternative, including the no action alternative, which would be more effective and less burdensome for the purpose for which this action is proposed.

Additionally, the CHP has not identified any alternative which would be as effective and less burdensome to affected persons other than the action being proposed.

Alternatives Identified and Reviewed

1. Amend the existing regulation to include those regulations already established in 49 CFR Section 392.3, therefore maintaining consistency between state and federal regulations.
2. Make no changes to the existing regulations. This would retain slightly different requirements in place for intrastate drivers and motor carriers than for interstate drivers and motor carriers, maintaining inequitable requirements between interstate and intrastate businesses.

LOCAL MANDATE

These regulations do not impose any new mandate on local agencies or school districts, other than those imposed by the Federal Motor Vehicle Safety Regulations.

ECONOMIC IMPACT ON BUSINESS

The CHP has not identified any significant adverse impact on businesses. Any additional costs to businesses are a result of the adoption of the federal standard.

FISCAL IMPACT TO THE STATE

The Department has determined these regulation amendments will result in:

- No significant compliance cost for persons or businesses directly affected;
- No discernible adverse impact on the quantity and distribution of goods and services to large and small businesses or the public;
- No impact on the level of employment in the state; and
- No impact on the competitiveness of this state to retain businesses, as these standards have been adopted at the federal level and apply uniformly to all states.